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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,299	08/31/2001	Tore Nauta	NL 000484	2163

7590 12/17/2002

Corporate Patent Counsel
U.S. Philips Corporation
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EXAMINER

DI GRAZIO, JEANNE A

ART UNIT	PAPER NUMBER
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2871

DATE MAILED: 12/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,299

Applicant(s)

NAUTA ET AL.

Examiner

Jeanne A. Di Grazio

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 and 4
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

European Patent Office (EPO) 00203129.2 September 11, 2000.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Weber et al. (USPN 5,686,979).

Weber has a display device (referring to Fig. 9) and a display panel (also illustrated in Fig. 1) with a front substrate (Fig. 9). In Weber, the pixellated LC panel is above the front substrate (Fig. 9). Weber has liquid crystal between substrates (Fig. 9). Weber has an illumination system on a side of the rear substrate and away from the liquid crystal material (Fig. 9). Weber has a backlight (Fig. 9) and a switchable translector (Fig. 9) that is switched by electronic means for switching (Col. 11, Lines 50-51 and Fig. 9). Weber has at least one reflective polarizer in a light path between a backlight and display panel (Fig. 9).

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent

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and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-10 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 and 11 of copending Application No. 09/944,318 in view of Weber ('979).

This is a provisional obviousness-type double patenting rejection.

Per claim 1: '318 claim 1 has elements: (1), (2), (3), (6), (4), (5), and (8). '318 claim 2 has element (12) and claim 2 depends on claim 1. Claim 4 has (21) and claim 4 depends on claim 2 or 3. '318 does not appear to have a reflective polarizer in a light path between a backlight and display panel; however, Weber does have this arrangement (Fig. 9, for example). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '318 in view of Weber to affect

polarization direction of light for reflective and transmissive states and to optimally use a backlight.

Per claim 2: '318 has the elements of claim 2 in claim 1. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '318 in view of Weber for greater efficiency, low power consumption, better brightness, and improved contrast.

Per claim 3: '318 does not appear to have, parallel to an exit face, a reflective polarizer between the exit face and display panel; however, Weber has a reflective polarizer between an exit face and display panel (Fig. 9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '318 in view of Weber to obtain both reflective and transmissive states and for the reasons as previously stated.

Per claim 4: '318 does not appear to have, parallel to an exit face, a second reflective polarizer between an optical shutter element and display panel; however, Weber does have a second reflective polarizer between a switchable translector and display panel (Fig. 9). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '318 in view of Weber to affect polarization of light and for the reasons as previously noted.

Per claim 5: '318 does not appear to have an optical shutter element situated between a display panel and reflective polarizer; however, Weber does have such an arrangement in Figure 9. It would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify '318 in view of Weber to affect polarization of light and for greater efficiency, for example.

Per claim 6: '318 in claim 1 has an optical waveguide provided with means for coupling in light in a direction parallel to an exit face. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '318 in view of Weber for low power consumption, better brightness, improved contrast, and greater efficiency, for example.

Per claim 7: '318 claim 2 has all of the elements of claim 7. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '318 in view of Weber for better brightness, efficiency, low power consumption, and improved contrast.

Per claims 8 and 9: '318 does not appear to have a reflective polarizer situated between a selectively switchable light switch as in claim 8. '318 does not appear to have a second reflective polarizer situated between a selectively switchable light switch and optical waveguide. However, Weber has the arrangement of claim 8 in Figure 9 and has the arrangement of claim 9 in Figure 9. In Weber (with respect to claim 9) the second reflective polarizer is between the light switch and diffuser. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '318 in view of Weber for better contrast and brightness and low power consumption.

Per claim 10: '318 claim 11 has the elements of claim 10. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify '318 in view of Weber for all reasons as previously noted and stated.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeanne A. Di Grazio whose telephone number is (703)305-7009. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (703) 305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-8741 for regular communications and (703)746-8741 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

Jeanne Andrea Di Grazio

Robert H. Kim, SPE

JDG
December 11, 2002

JK